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**COMPLIANCE WITH  
THE CONVENTION ON THE  
PROHIBITION OF THE DEVELOPMENT,  
PRODUCTION, STOCKPILING AND USE  
OF CHEMICAL WEAPONS AND ON THEIR  
DESTRUCTION**

**Condition (10)(C) Report**



**April 2015**

**Prepared by the U.S. Department of State**

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DEPARTMENT OF STATE  
Bureau of Arms Control, Verification and Compliance  
April 2015

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**CONDITION (10)(C) ANNUAL REPORT ON COMPLIANCE WITH THE  
CHEMICAL WEAPONS CONVENTION**

This report is submitted consistent with Condition (10)(C) of the Resolution of Advice and Consent to Ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). The convention was ratified by the United States April 25, 1997, and entered into force (EIF) on April 29, 1997.

Condition (10)(C) provides as follows:

Annual reports on compliance: The President shall submit on January 1 of each year to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

- (i) a certification of those countries included in the intelligence community's (IC) monitoring strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction) that are determined to be in compliance with the convention, on a country-by-country basis;
- (ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to adherence of the country to its obligations under the convention;
- (iii) the steps the United States has taken, either unilaterally or in conjunction with another state party:
  - (I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of noncompliance;
  - (II) to call attention publicly to the activity in question; and
  - (III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

- (iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and
- (v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

For its part, both as a matter of national policy and as a guide to national policy, the United States undertakes its own independent review – based upon the best available information, including intelligence information – of the compliance of CWC states parties with their obligations under the convention. The United States believes CWC states parties should be held to their obligations under the CWC, and places a high premium upon their compliance both with specific detailed declaration and implementation provisions (e.g., Articles III, IV, V, and VII) and with the “general obligations” of Article I.

Information and assessments in this report are current as of December 31, 2014. This report highlights new developments since the last Condition (10)(C) Report, and refrains from repeating much older information found in previously submitted reports.

The Organization for the Prohibition of Chemical Weapons (OPCW) Technical Secretariat (TS) reported, as of July 31, 2014, that there were:

- Two CWC states parties that had yet to designate a National Authority: Somalia and Timor-Leste.
- Eighty-four CWC states parties that had not yet notified the TS of the adoption of implementing legislation and/or regulations that cover all the initial measures (scheduled chemical transfers, prohibitions, penalties, extraterritorial obligations, legal basis of regulations, and establishment of national authority): Afghanistan, Antigua and Barbuda, The Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Cameroon, Cabo Verde, Chad, Chile, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Gabon, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan,

Lao People's Democratic Republic, Lebanon, Libya, Malawi, Maldives, Mali, Marshall Islands, Micronesia, Mongolia, Mozambique, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Panama, Papua New Guinea, Paraguay, Philippines, Rwanda, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Solomon Islands, Somalia, Suriname, Swaziland, Syria, Tajikistan, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Tuvalu, Uganda, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Yemen, and Zimbabwe.

- Seven CWC states parties that had not yet submitted their required initial declarations pursuant to the convention. Five of these states parties had not yet submitted any initial declarations either under Article III or Article VI: Haiti (April 23, 2006)<sup>1</sup>, Somalia (June 28, 2013), Timor-Leste (July 6, 2003), Tonga (July 28, 2003), and Vanuatu (November 15, 2005). Two CWC states parties—Kiribati and the Solomon Islands – had yet to submit their initial declarations under Article VI. The OPCW TS is unable to fulfill its verification tasks with regard to these states parties.

As of December 31, 2014, there were 190 CWC states parties, the most recent to accede to the CWC was Syria, which became a state party October 14, 2013. Six other states have not joined the CWC (two signatory states, Israel and Burma, and four non-signatory States, Angola, Egypt, North Korea, and South Sudan).

This report addresses the following five countries: Iran, Iraq, Libya, Russia and Syria.

## **COUNTRY ASSESSMENTS**

### **ISLAMIC REPUBLIC OF IRAN (IRAN)**

#### **FINDING**

Based on available information, the United States cannot certify whether Iran has met its chemical weapons production facility (CWPF) declaration

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<sup>1</sup> The dates indicate the due date of the initial declaration for the State Party concerned (that is, 30 days after EIF of the Convention for the State Party).

obligations, destroyed its specialized chemical weapons (CW) equipment, transferred CW, or retained an undeclared CW stockpile.

## **BACKGROUND**

The convention entered into force for Iran on December 3, 1997. Iran made its initial declaration in three separate submissions (June 1998, January 1999, and March 1999).

The United States does not have sufficient information to ascertain whether some Iranian facilities are involved in or intentionally retain the capability to produce CW agents, and likewise the United States possesses insufficient information about the disposition of specialized CW equipment used in former CWPFs. The United States also has insufficient information about possible CW activity prior to EIF of the convention for Iran, activity relevant to its riot control agent declaration and activity involving highly potent pharmaceutical compounds. There are reports that Iran transferred CW munitions to Libya in the late 1980s.

### **Compliance Discussions**

On the margins of OPCW Executive Council (EC) meetings in 2001 and 2004, the United States engaged the Iranian delegation about Iran's CWC compliance. The outcome of the discussions did not resolve any of the issues. Since 2004 through the end of the reporting period, there have been no compliance discussions between the United States and Iran.

## **COMPLIANCE ANALYSIS**

Due to a combination of irregularities in the Iranian declaration and insufficient clarification from Iran, the United States cannot certify that Iran:

- has met its CWPF declaration obligations because of possible CW-capable infrastructure, including the possibility of a clandestine production-on-demand capability dispersed among industrial chemical plants and at military-owned facilities;
- has fully declared and destroyed its specialized CW equipment (it is possible that Iran has failed to meet its CWC obligations by failing to declare and destroy some of its specialized CW production equipment);

- does not maintain a suspected undeclared CW stockpile;
- has fully declared those chemicals it holds for riot-control purposes; and
- has declared all CW transfers; of particular interest are any it might have made to Libya.

The OPCW TS has reported that Iran has fully implemented legislation under Article VII of the CWC that includes penal provisions and measures to control transfers of scheduled chemicals. As part of its obligations under paragraph 4 of Article X of the CWC acknowledging that it has a national protection program, Iran has submitted declarations annually. Iran has also committed to support, by bilateral agreements, as well as through unilateral offers, assistance measures under paragraph 7, Article X.

## **REPUBLIC OF IRAQ (IRAQ)**

### **FINDING**

Iraq made its initial CW, CWPF, and industry declarations and had initiated efforts to draft a complete General Plan for Destruction, which, unfortunately, was interrupted by the loss of government control of the Al-Muthanna site between June and November 2014, which resulted in damage to the associated infrastructure.

### **BACKGROUND**

The convention entered into force for Iraq on February 12, 2009. Iraq made its initial CW and CWPF declarations based on available UN documentation. Due to the fact that the two Al-Muthanna storage bunkers containing declared CW are sealed and have only uncertain UN documentation in relation to their contents, Iraq had difficulty in formulating its General Plan for Destruction of its declared CW. However, prior to the Al-Muthanna site being overrun and held by armed terrorist groups, Iraq made some progress toward this effort including submitting its detailed facility information for the Al Muthanna Destruction Project to the TS and committing \$55 million for destruction of its CW and CWPFs. According to Iraq, CW destruction project equipment was looted and it is uncertain when preparations for CW destruction can resume. Iraq reported that it retook Al-Muthanna in late November 2014 and engineers were removing mines and explosive devices.

Al-Rashad, one of the five declared CWPfFs, was certified as converted on December 4, 2013.

### **Compliance Discussions**

The United States has maintained a dialogue with Iraq in relation to preparation of its General Plan for Destruction of its CW and CWPfFs including consultations during this reporting period.

### **COMPLIANCE ANALYSIS**

Iraq indicated its intent to meet its declaration and CW destruction obligations by attempting to produce a General Plan for Destruction based on the limited information available to it. Although Iraq has yet to submit a complete General Plan for Destruction of its CW and CWPfFs as required by the CWC, it had taken positive steps in the preparation of such a plan before the sites were overrun by armed terrorist groups. Subsequently, the Iraqi ambassador to the OPCW in The Hague noted Iraq had intentions of beginning destruction activities in 2014, but due to the terrorist occupation of Al-Muthanna asked states parties to “understand the inability of Iraq to fulfill its obligations at present time.”

Iraq has implemented legislation under Article VII of the CWC that includes penal provisions and measures to control transfers of scheduled chemicals. Iraq has declared a national program for protection under paragraph 4 of Article X of the CWC.

### **LIBYA**

### **FINDING**

Although the new Libyan government declared two CW stockpiles previously undeclared by the previous regime, the amended declaration is not complete as the origin of these stockpiles has not been explained. Libya completed destruction of its declared Category 1 and Category 3 CW and working closely with the TS is considering options for the destruction of its remaining Category 2 CW precursors.



## **BACKGROUND**

The convention entered into force for Libya February 5, 2004, and Libya made its initial declaration in March 2004. Libya declared a CW stockpile, CWPFS, and chemical industry facilities under Article VI of the convention. The UN reported the Libyan Transitional National Council (TNC) found undeclared CW in September 2011. The CW munitions were declared to the OPCW in November 2011 and February 2012; however, the declarations lacked information on the origin of the munitions. Libya announced during EC-70 (September 2012) that it had sampled the agent in some of the munitions in response to the OPCW TS director-general's inquiry addressing the origin question, but no information on the results has been forthcoming as of the end of the reporting period. In response to a Libyan request, the TS requested states parties provide Libya any origin information they might have. In February 2013, the OPCW TS director-general said no state party had responded and at EC-71 Libya recognized the origin of the CW has not been determined.

In May of 2013, Libya completed destruction of its declared bulk sulfur mustard. With U.S. assistance, the recently discovered Category 1 and Category 3 CW munitions were destroyed by January 2014 and the last of its declared Category 1 CW agent residues were destroyed May 2014, resulting in 100 percent Category 1 and Category 3 CW destruction.

Approximately 850 metric tons of six types of Category 2 CW precursor chemicals remain to be destroyed. Libya has plans for the Category 2 destruction to be completed by December 2016. Progress towards this destruction has been halted by a deteriorating security situation. However, Libya continued planning and proposed destruction plan options to the TS in late 2014, which it planned to discuss with interested states parties.

Earlier background information can be found in previous reports.

### **Compliance Discussions**

Detailed compliance discussion information may be found in the 2013 and 2014 Condition (10)(C) Reports. The following includes abstracted information from prior to January 1, 2014.

With a view to implementing destruction of its Category 2 CW the Libyan delegation to the OPCW in March 2014 said Libya would welcome any technical

support or cooperation for the destruction of these chemicals. This has been followed up by Libya making a new destruction proposal that included destruction of certain chemicals and repackaging others pending decisions on destruction technologies.

## **COMPLIANCE ANALYSIS**

Detailed compliance analysis information may be found in previous reports. The following includes abstracted information from prior to January 1, 2014.

The two CW stockpiles discovered by the Libyan TNC that were not declared by the previous regime revealed the Qadhafi regime was in violation of the CWC before the revolution. Although Libya ultimately declared these stockpiles, the declaration is not complete in that the origin of the CW has not been explained.

Libya completed destruction of its declared Category 1 and 3 CW in 2014. No reported progress has been made towards physical destruction of its remaining Category 2 precursor chemicals. Libya reported at EC-76 in July 2014 that it had suspended destruction efforts due to serious political, security, and budgetary issues; however, it has proposed destruction options.

Under the Qadhafi regime, Libya lagged behind in meeting its Article VII obligations, and its ability to meet CWC obligations in the post-revolution era were severely hampered by the security vacuum and weak institutions. The TS reported Libya's Article VII national implementation legislation has undergone legal review, but still had to go to its General National Congress, which has faced significant difficulties legislating. Libya has not made additional progress during the reporting period. As part of its obligations under paragraph 4 of Article X of the CWC, Libya submitted a declaration in 2005 acknowledging it had a national protection program. Libya has not submitted any subsequent Article X declarations.

## **RUSSIAN FEDERATION (RUSSIA)**

### **FINDING**

Based on available information, the United States cannot certify Russia has met its obligations for declaration of its CWPFS, CW development facilities, and CW stockpiles.

## **BACKGROUND**

The convention entered into force for Russia December 5, 1997, and Russia made its initial declaration in March 1998 in accordance with the CWC. The Russian declaration included CWPFs, chemical weapons storage facilities (CWSFs), a chemical weapons development facility, and a stockpile of almost 40,000 metric tons of CW agent, in both bulk and weaponized form. Details of Russian progress towards destruction of its Category 1 CW stockpile are available in previous versions of this report. As of December 1 2014, Russia had destroyed 84.5percent of its declared Category 1 CW stockpile. Its Article VI declaration included Schedule 2, Schedule 3, and other chemical production facility (OCPF) plant sites.

*The Russian CW Stockpile.* The United States believes Russia's CWC declaration is incomplete with respect to its chemical agent and weapons stockpiles.

*Undeclared CWPFs and CW-related Facilities.* The United States notes there are additional facilities Russia might have been required to declare as CWPFs. The United States continued to seek clarification of reports about production-on-demand capabilities at declared and non-declared facilities.

*Russian CW Development Facilities.* The United States does not share the Russian view that all CW development facilities, including CW testing facilities, do not need to be declared because of the Russian narrow interpretation of the CWC "primarily for" the development of CW criterion in Article III.

### **Compliance Discussions**

The United States has engaged in numerous exchanges with Russia regarding a number of compliance issues in 2002, 2003, and 2006, during which the United States discussed the accuracy of Russia's CWC declaration.

In 2006, the United States reiterated its proposal to hold expert-level consultations, but Russia has not yet agreed to renew such consultations and none were held during the reporting period.

## **COMPLIANCE ANALYSIS**

In May 2013, Russia completed conversion of its last CWPf approved for conversion. Russia completed destruction of its Category 2 and Category 3 CW within the convention's timelines.

In the absence of additional information from Russia, the United States is unable to ascertain whether Russia has declared all of its CW stockpile, all CWPfs, and all of its CW development facilities.

The OPCW TS reported Russia has fully implemented legislation under Article VII of the CWC that includes measures to control transfers of scheduled chemicals and penal provisions. Russia also acknowledged and declared it has a national program for protection under paragraph 4 of Article X of the CWC. Russia made its first declaration under this article in 2005 and has continued to do so annually.

## **SYRIAN ARAB REPUBLIC (SYRIA)**

### **FINDING**

Based on available information, the United States cannot certify the Syrian Arab Republic in compliance with its obligations under the CWC. The United States assesses Syria's use of chlorine as a chemical weapon systematically and repeatedly against the Syrian people is in violation of its obligations under the CWC. In addition, the United States assesses Syria has not declared all the elements of its chemical weapons program and Syria might retain chemical weapons as defined by the CWC. The process for verifying the correctness and completeness of the Syrian declaration and the resolution of these matters are ongoing.

### **BACKGROUND**

As a result of the threat of military force in response to Syria's use of sarin in multiple small-scale attacks in opposition areas in 2013, and on a "relatively large scale in the Ghouta area of Damascus" where the UN determined there was "clear and convincing evidence that surface-to-surface rockets containing the nerve agent sarin were used," Syria deposited its instruments of accession to the CWC on September 14, 2013. That same day, Russian FM Lavrov and Secretary Kerry negotiated the Framework for Elimination of the Syrian CW program. This

initiative led to an OPCW EC decision and UNSCR 2118 specific to Syria on September 27, 2013. Together these documents established a number of requirements, including milestones for the full disclosure and elimination of Syria's CW program and stringent verification with unfettered access to sites and individuals by the OPCW. Following a preliminary disclosure of its CW program, as required by the EC decision of September 27, 2013, Syria submitted its more comprehensive, treaty-mandated, initial declaration to the OPCW on October 23, 2013. Syria made its most recent amendment on July 14, 2014.

Additional background relevant to Syria's obligations under EC decisions, UNSCR 2118, and the CWC can be found in last year's report covering 2013.

Since Syria's accession to the CWC, the United States has identified several key issues of concern with respect to Syria's fulfillment of its obligations, which are as follows:

- Syria's use of chlorine as a CW;
- Inconsistencies and gaps in Syria's declaration;
- Delays in meeting EC- mandated milestones; and
- Delays in destruction of Syria's CWPFs.

### ***Syria's Use of Chlorine as a Chemical Weapon***

In April 2014, Syrian opposition social media sites and the mainstream press began reporting allegations that Syrian government forces had used barrel bombs filled with chlorine gas in attacks against opposition-controlled villages in northern Syria. The CWC clearly provides that a state party must not "under any circumstances" use chemical weapons, which include the use of any toxic chemical, such as chlorine. UNSCR 2118 also explicitly prohibits such actions by Syria. On April 29, 2014, with the consent of the Syrian government, the OPCW director-general established a fact-finding mission (FFM) "mandated to establish the facts surrounding allegations of the use of toxic chemicals, reportedly chlorine, for hostile purposes in the Syrian Arab Republic." Its mandate did not include determining attribution for the attacks. In June, September, and December 2014, the FFM issued three separate but related reports, all of which address attacks in the April-May timeframe in the opposition-controlled villages of Talmenes, al Tamanah, and Kafr Zita.

The FFM first deployed to Syria in early May 2014, and, after holding extensive consultations with Syrian authorities in Damascus, planned site visits to

the opposition-controlled villages (Talmenes, al Tamanah, and Kafr Zita) where the alleged attacks occurred. On May 27, 2014, while crossing between regime and opposition-controlled lines for its first site visit to Kafr Zita, the team was attacked by a road-side bomb and small arms fire, forcing it to return to Damascus and, subsequently, to The Hague to continue its investigation. Despite the attack, the FFM released a preliminary report on June 16, 2014, that concluded the “available information cannot be dismissed as unconnected, random, or of a nature attributable to purely political motives.” The report goes on to say that, “[t]his information lends credence to the view that toxic chemicals, most likely pulmonary irritating agents such as chlorine, have been used in a systematic manner in a number of attacks” carried out in the April-May 2014 timeframe.

In mid-August 2014, the FFM returned to the region to continue its investigation into the allegations of CW use in the April-May timeframe. Unable to conduct site visits in Syria, the team carried out extensive interviews of 37 victims, eye witnesses, and medical personnel in a neighboring country. It also collected more than one hundred documents and videos as evidence. On September 10, 2014, the FFM issued its second report that concluded there is “compelling confirmation that a toxic chemical was used as a weapon, systematically and repeatedly” in three opposition-held villages in northern Syria, and evidence “leads the FFM to conclude, with a high degree of confidence, that chlorine, either pure or in mixture, is the toxic chemical in question.” Most notably, the report also found that “[i]n describing the incidents involving the release of toxic chemicals, witnesses invariably connected the devices to helicopters flying overhead.” We assess only the Syrian government could have carried out such attacks by helicopter within Syria. This testimony overwhelmingly implicates the Syrian regime as the perpetrator. The report closed by observing that after the FFM’s establishment there was a marked reduction in reports of alleged chlorine use, yet “during the month of August there was a spate of new allegations, with accounts of the incidents bearing strong resemblance to those that are now confirmed as having been chlorine attacks.”

After the release of the second report, the Syrian government and its allies criticized the FFM’s methods and conclusions. In response, 56 states parties to the CWC signed and endorsed a like-minded statement that supported the work of the FFM and underscored the serious doubts the second report raised about the Asad regime’s compliance. On December 18, 2014, the FFM released its third and final report to “provide a more detailed account of the work undertaken by the mission in the second phase and the process leading to the findings,” which concluded “with a high degree of confidence that chlorine has been used as a

weapon” in attacks in Talmenes, al Tamanah, and Kafr Zita in the April-May 2014 timeframe. The report also chronicled the challenges the FFM faced, many as a result of the May 27 attack on the FFM, and detailed the methodology and processes by which the FFM overcame these challenges to reach its definitive conclusions. Although the third report concluded the FFM’s work into the attacks in Talmenes, al Tamanah, and Kafr Zita during the spring of 2014, the FFM would consider any supplementary information that may become available in the future.

Although the FFM report does not address attribution, the facts it presents, including the use of helicopters, the targeting of opposition-held areas, and regular and systematic use, imply the Syrian regime is responsible for using chlorine as a weapon. This represents the first documented use of chemical weapons within the territory of a state party and by a state party to the CWC in the history of the convention.

### ***Inconsistencies and Gaps in Syria’s Declaration***

Throughout 2014, the United States, our allies, and other states parties raised concerns regarding the accuracy and completeness of Syria’s declaration and subsequent amendments to the OPCW. To attempt to resolve these concerns the director-general established a Declaration Assessment Team (DAT) in April 2014. The DAT traveled to Syria six times in 2014 to consult with Syrian officials regarding outstanding issues with Syria’s CWC Article III declaration.

The DAT made incremental and modest progress in 2014, but Syria has not been fully cooperative. Syria has not provided to the DAT historic documentation and records that could be used to verify Syria’s claims. Syria was also unwilling to declare its Scientific Studies and Research Center (SSRC) at Barzah. Additionally the DAT remained concerned about whether all chemical weapons agents, precursors, chemical weapons munitions and chemical weapons-related facilities have been declared.

In October 2014, the DAT provided a written report to the EC detailing a broad range of remaining issues and concerns with the accuracy and completeness of Syria’s declaration of its CW program and briefed the report to the October EC meeting.

***Delays in Meeting EC-Mandated Milestones***

On November 15, 2013, the OPCW EC adopted the Detailed Requirements for the Destruction of Syrian Chemical Weapons and Syrian Chemical Weapons Production Facilities, which mandates a series of milestones Syria was required to meet for the complete elimination of its declared program. Although Syria met some of the milestones, it missed many others. Most significantly, Syria failed to meet its obligation to remove from its territory by December 31, 2013, the highest priority CW agents and by February 5, 2014, all remaining chemicals declared and designated for destruction outside of Syria. This failure caused the international community to absorb the extensive costs of the delays and directly affected the ability to meet the June 30, 2014, milestone for the destruction of chemicals outside of Syria.

On June 23, 2014, more than four months behind schedule, Syria completed removal of its declared CW chemicals from its territory, and as of May 23, 2014, the OPCW confirmed all declared isopropanol and mustard residue, which were to be destroyed in Syria, were eliminated (also behind schedule); consequently no declared CW chemicals remained in Syria.

***Delays in Destruction of Syria's CWPFs***

Syria initially declared 26 CWPFs and requested that 12 CWPFs (hangars/tunnels) be converted for purposes not prohibited by the CWC. Syria subsequently declared a ricin CWPF. After Syria's conversion request for the 12 CWPFs was rejected by the EC in December 2013, Syria continued to delay commencing destruction activities and subsequently failed to meet its March 15, 2014, deadline to complete destruction of all its CWPFs. As of December 31, 2014, 14 of the 27 declared CWPFs (26 initial CWPF declarations and the subsequent ricin CWPF declaration) remained to be verified as destroyed.

Despite the rejection of its conversion requests, Syria continued to refuse to meet the convention's requirement for "physical" destruction of the 12 hangars and tunnels, and proposed unacceptable solutions with no basis in the text or past precedents of the CWC. After months of intense diplomatic effort, in July 2014 the EC adopted a combined destruction plan for Syria's 12 remaining CWPFs.



## **Compliance Discussions**

### ***Syria's Use of Chlorine as a CW***

After allegations of chlorine use by the Syrian regime surfaced in April 2014 the OPCW DG established the FFM to investigate the alleged violation of Article I of the Convention. In July 2014, following the release of the preliminary report of the FFM, the United States underscored to all EC members the serious concerns raised in the report that indicated Syria had used chlorine as a CW in three opposition villages in northern Syria in April and May 2014. After the release in September of the FFM's Second Report, which provided significant additional evidence of Syria's culpability, the United States emphasized in public fora that it considered the evidence implicating Syria in the chlorine attacks - a clear violation of the CWC - to be overwhelming. In December 2014, the FFM released its third and final report on the April and May attacks, which further confirmed and substantiated its previous conclusions that chlorine was used as a CW in Syria.

### ***Inconsistencies and gaps in the Syrian declaration***

During 2014, the United States identified inconsistencies and gaps in the Syrian declaration through engagement with EC members, members of the UN Security Council and in public fora, specifically- in national statements to the EC, as well as in related updates to the UN Security Council, and in press statements and inquiries - in a deliberate effort to keep the Syria file open in EC discussions. This effort aimed to inform as wide an audience as possible of the declaration-related problems and to encourage those in a position to do so to hold Syria responsible for declaring and destroying its complete CW program under international verification. These actions helped support and sustain the DAT process and raised awareness of these unresolved issues among States Parties.

### ***Delays in Meeting EC-Mandated Milestones***

During the first half of 2014, the United States, other states parties, and the OPCW-UN Joint Mission devoted a great deal of time and effort facilitating the elimination of Syria's CW program in accordance with the EC-mandated milestones. First and foremost, the international community worked diligently to ensure the delivery of Syria's declared CW agent, designated for destruction outside of Syria, to the Port of Latakia for transshipment by Danish and Norwegian vessels to destruction facilities; to include the U.S. vessel M/V CAPE RAY. The

United States regularly consulted with key states parties to emphasize Syria needed to expedite its CW removal efforts. After protracted delays in removal operations of the declared CW chemicals, a concerted diplomatic effort led to the final consignment of Syria's declared CW chemicals designated for removal reaching the Port of Latakia on June 22 and 23, 2014.

### ***Destruction of Syrian CWPFs***

Throughout the first half of 2014, the United States took a multi-tracked approach to end Syria's prolonged opposition to physically destroying its 12 remaining CWPFs. A number of TS-led technical meetings took place in early 2014 between experts, but these discussions failed to reach an acceptable way forward due to various financial, technical, economic, and environmental obstacles. Subsequent meetings among decision-makers were also unsuccessful, and in early July the United States informed EC members of the stalemate and requested they support the U.S.-proposed resolution for CWPF destruction. In order to facilitate agreement, meetings were held to gain final support for an agreed destruction plan and ultimately resulted in the adoption at the July 2014 EC of the combined plan for destruction of twelve of the remaining CWPFs.

## **COMPLIANCE ANALYSIS**

### ***Syria's Use of Chlorine as CW***

Three reports issued by the OPCW FFM in 2014 provide convincing evidence the Syria government used toxic chemicals multiple times as a chemical weapon in violation of Article I of the CWC. This is the first documented instance of a state party using chemical weapons in the history of the CWC. In its Second Report, the FFM stated the available evidence "constitutes compelling confirmation that a toxic chemical was used as a weapon, systematically and repeatedly" in three opposition villages in northern Syria, and that evidence "leads the FFM to conclude, with a high degree of confidence, that chlorine, either pure or in mixture, is the toxic chemical in question." Moreover, the FFM also found "[i]n describing the incidents involving the release of toxic chemicals, witnesses invariably connected the devices to helicopters flying overhead." Although the FFM's mandate did not address attribution, we assess only the Syrian government could have carried out such attacks by helicopter within Syria. The FFM's third report further substantiated these findings.

***Inconsistencies and gaps in its declaration***

The United States has serious concerns regarding the accuracy and completeness of Syria's CWC declaration and questions Syrian claims it has declared all elements of its CW program. In particular, the United States is not confident Syria has accurately declared all chemical agents and precursors, CW munitions - *including those assessed to have been used in the August 21, 2013, sarin attacks in the suburbs of Damascus* - and associated CW-facilities.

It is especially important Syria should declare munitions such as those assessed to have been used in the August 21, 2013 sarin attacks in the suburbs of Damascus, or should declare the chlorine and chlorine delivery devices Syria has used "systematically and repeatedly" in three opposition villages in northern Syria. Article III of the CWC require states parties to declare all toxic chemicals and "munitions and devices" used for purposes prohibited by the convention, which would include the munitions used by Syria in the August 2013 attack and in the chlorine attacks in 2014.

***Delays in meeting EC mandated milestones***

Syria failed to meet its obligations by missing numerous milestones mandated in EC decisions and UNSCR 2118; these missed milestones include the removal of its most dangerous chemical agents by December 31, 2013, and of its remaining precursor chemicals by February 5, 2014. Complete removal was not achieved until June 23, 2014, more than four months behind schedule, and only after considerable diplomatic pressure was brought to bear.

***Delays in destruction of its CWPFs***

The OPCW TS was able to verify destruction of only nine of the initially declared 26 CWPFs by the March 15, 2014 mandated milestone for destruction of all of Syria's CWPFs. The OPCW has not been able to verify the destruction of an additional, declared CWPF that Syria claims to have been destroyed earlier. Only after months of intense diplomatic effort did Syria agree to a combined plan for verification and destruction for the 12 CWPFs originally requested for conversion. As of December 31, 2014, none of the 12 CWPFs had been destroyed, raising serious questions of whether Syria can complete destruction by the mid-2015 milestone referenced in the July EC decision. Finally, Syria declared a 27th CWPF for ricin production and a combined plan for its destruction and

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verification was agreed to by the Executive Council on November 19, 2014, but destruction has yet to commence at this site.

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